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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MOHAMED ELAKHDAR,

Plaintiff,

v.

NEVADA PROPERTY 1 LLC d/b/a THE
COSMOPOLITAN OF LAS VEGAS

Defendant.

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Case No. 2:22-cv-181

COMPLAINT AND DEMAND FOR TRIAL BY JURY

Comes now Mohamed Elakhdar (“Mr. Elakhdar” or the “Plaintiff”), by and through undersigned counsel, and as and for his complaint (the “Complaint”) against Nevada Property 1, LLC d/b/a The Cosmopolitan of Las Vegas (“NP1” or the “Defendant”) states as follows:

Introduction

1. This case concerns the Defendant’s assault, battery, and false imprisonment of Mr. Elakhdar, a guest of the Defendant’s hotel who had the temerity to try to enter the premises through a side door on a cold night.

2. For the sin of seeking a respite from a chilly evening and a bustling street in the throes of a pandemic, and for having the gall to verbally protest being ordered to circumnavigate

1 the Defendant's property, Mr. Elakhdar was physically shoved by a security guard, pushed once
2 again, grabbed by his arm, thrust to the floor, and brutally battered by a swarm of individuals
3 working for the Defendant.

4 3. While the Defendant's security forces pummeled Mr. Elakhdar, at least one such
5 guard – known as "Tommy" – saw fit to identify Mr. Elakhdar as being "Arab," making clear the
6 brutalization of Mr. Elakhdar was correlative not merely to the entrance he endeavored to use but,
7 too, his ethnicity.

8 4. In time, Mr. Elakhdar was escorted to his hotel room with orders to pack his
9 belongings, notified that his efforts to summon medical assistance were futile since the
10 Defendant's security could waive off an emergency response call, tightly handcuffed, threatened
11 with the abyss of a night in jail, and tossed in a holding cell while law enforcement was
12 summoned.

13 5. Mr. Elakhdar suffered injuries at the hands of the Defendant and was prejudicially
14 targeted by the Defendant on account of his ethnicity; for these wrongs, Mr. Elakhdar now brings
15 suit.

16 **Parties**

17 6. Mr. Elakhdar is a natural person who is a citizen of the United States residing
18 within the Arab Republic of Egypt and who is accordingly considered an Egyptian citizen solely
19 for purposes of assessing diversity jurisdiction.

20 7. NP1 is a Delaware limited liability company with its principal place of business
21 being in the State of Nevada.

22 8. Upon information and belief, and solely for purposes of determining the
23 citizenship of the Defendant, NP1 has – as recently as October 7, 2019 – indicated, in a filing in

1 this Honorable Court, that it is owned by (i) BRE Spade Mezz 1 LLC and (ii) BRE Spade Voteco
2 LLC. *See Nevada Property 1, LLC v. Citibank, N.A., et al.*, Case No. 2:19-cv-1121-APG-NJK
3 (DE #41).

4 9. Upon information and belief, and solely for purposes of determining the
5 citizenship of the Defendant, NP1 “is wholly owned by other limited liability companies tracing
6 back to 100% ownership by BRE Spade Parent LLC.” *Morris Schneider Wittstadt, LLC v. Nevada*
7 *Property 1 LLC*, Case No. 2:15-cv-01175-RFB-VCF (DE #18 at 22:3-5).

8 10. Upon information and belief, and solely for purposes of determining the
9 citizenship of the Defendant, “BRE Spade Parent LLC is in turn owned by twelve limited
10 partnerships organized in Delaware.” *Id.* at 22:6-7.

11 11. Upon information and belief, and solely for purposes of determining the
12 citizenship of the Defendant, “Nevada Property 1 LLC is a citizen of Delaware for purposes of
13 diversity.” *Id.* at 22:17.

14 12. Upon information and belief, and solely for purposes of determining the
15 citizenship of the Defendant, no member of the Defendant is of Egyptian citizenship for purposes
16 of assessing diversity jurisdiction.

17 13. The degree to which Marriot International, Inc. is vicariously culpable for some or
18 all of the wrongs complained of herein will be learned through discovery; the hotel in which the
19 at-issue events occurred is branded as being a Marriot hotel, and is a place at which Mr. Elakhdar
20 would not have stayed but for the Marriot affiliation. Mr. Elakhdar necessarily notes he will seek
21 leave to amend, to add Marriot International, Inc. (or some other related entity) as a defendant
22 hereto should discovery yield evidence suggesting such to be proper and legally justifiable.
23

Jurisdiction & Venue

14. This Honorable Court enjoys jurisdiction over the matter *sub judice* pursuant to the allowances of Section 1332 of Title 28 of the United States Code, as this is a dispute between citizens of different states in which the matter in controversy exceeds \$75,000.00.

15. Venue is properly laid in the Honorable Court pursuant to Section 1391(b) of Title 28 of the United States Code because a substantial part of the events giving rise to the claims stated herein occurred at the Defendant's property in Clark County, Nevada.

General Allegations

16. Toward the end of 2021, Mr. Elakhdar traveled to the United States for various personal reasons, and elected to spend a portion of the holidays in Las Vegas, where he booked a room at the Defendant's hotel.

17. On the evening of December 31, 2021, Mr. Elakhdar had dinner on the Defendant's property at a restaurant, concluding the meal slightly after midnight.

18. At this time, Mr. Elakhdar walked outside to see a friend staying at another casino resort but, due to the cold weather and the tight concentration of tourists, elected to return to the Defendant's hotel.

19. At the hour at which Mr. Elakhdar endeavored to return to the Defendant's hotel, it was approximately 45 degrees Fahrenheit in Las Vegas, Nevada.

20. In attempting to re-enter the premises, Mr. Elakhdar was informed – by a uniformed security guard – that entry was not permitted through a given door and that Mr. Elakhdar would have to walk around the perimeter of the hotel (through countless individuals all seemingly tightly-packed), despite the near-freezing conditions.

1 21. Mr. Elakhdar demurred, indicating himself to be a guest of the hotel; in turn, the
2 Defendant's security personnel assumed a hostile and elevated tone, shouting at Mr. Elakhdar.

3 22. A senior security guard known as "Tommy" then appeared, continued to shout at
4 Mr. Elakhdar, and called Mr. Elakhdar an "a**hle."

5 23. At this point, the Defendant's security personnel – for either the first or second
6 time – physically shoved Mr. Elakhdar, as Tommy loudly identified Mr. Elakhdar as a "f**king
7 Arab" and joined in the physical shoving of Mr. Elakhdar.

8 24. Mr. Elakhdar was wrestled to the floor, handcuffed, and taken to a security room
9 within the Defendant's hotel, against his will.

10 25. Following a brief stay in the security room, Mr. Elakhdar was escorted to his hotel
11 room and instructed to pack his belongings, with his handcuffs being briefly removed for this
12 purpose before being reapplied; at this juncture, Mr. Elakhdar began experiencing heart
13 palpitations.

14 26. With Mr. Elakhdar experiencing heart palpitations, a friend of Mr. Elakhdar – now
15 present on the scene – called 911; Tommy – still present – used his phone, in turn, to place a call
16 to an unknown number and instruct emergency response personnel to not respond to the report of
17 Mr. Elakhdar's heart palpitations.

18 27. Tommy then proclaimed "you're calling the police, I'm going to have you spend
19 the night in jail," in a threatening tone, or used some words of approximation thereto.

20 28. At this juncture, Mr. Elakhdar was again handcuffed and returned to the security
21 room – a glorified jail cell – against his will, without his consent, and without the ability to freely
22 leave.
23

1 29. When authorities finally arrived, Mr. Elakhdar displayed an elevated heartbeat and
2 escalated blood pressure; the Defendant's security personnel commanded medical personnel to
3 re-measure Mr. Elakhdar's vital signs, indignant at the suggestion he was actually experiencing
4 palpitations.

5 30. Throughout this ordeal, the handcuffs applied to Mr. Elakhdar were so tight as to
6 inflict pain and, as of the filing of this Complaint, remnants of such persist, with nerves proximate
7 to Mr. Elakhdar's wrists causing notable pain.

8 31. Mr. Elakhdar is under medical care and supervision as he confronts injuries from
9 being violently assaulted by the Defendant's security staff and being too-tightly handcuffed; none
10 of the injuries pose a likely risk of permanent damage, and the injuries are not as grave as those
11 inflicted upon an unrelated African American guest of the Defendant's premises on the same
12 evening, but the injuries are nonetheless extant and demanding of medical care.

13 32. Mr. Elakhdar's hands remain partially numb as of the drafting of this pleading,
14 with pain also remaining in his lower back.

15 33. On January 6, 2022, with his injuries still persisting, Mr. Elakhdar was seen at the
16 Kaiser Permanente West Los Angeles Medical Center and diagnosed with a tingling sensation in
17 his left hand and neuropathy.

18 34. The following day, Mr. Elakhdar received additional medical treatment through
19 remote means, and was prescribed medication to address the nerve damage stemming from the
20 Defendant's actions.

21 **Count I – False Imprisonment**

22 35. Mr. Elakhdar incorporates and realleges each and every foregoing paragraph of
23 this Complaint as though fully set forth herein.

36. The Defendant confined Mr. Elakhdar in a holding cell, on the Defendant's property, for a prolonged period of time.

37. The Defendant intended to undertake this act, as the Defendant's own agents cognizantly caused Mr. Elakhdar to be confined.

38. Mr. Elakhdar was conscious of his confinement at all times relevant and suffered harms correlative to his loss of freedom and mobility, together with the inherent fear of being confined in the detention facility of a Las Vegas casino, for a protracted period of time.

39. In light of the Defendant's lawless action, Mr. Elakhdar was particularly apprehensive of what other illegal conduct would be visited upon him, by the Defendant's agents, for the whole of his detention.

WHEREFORE, Mr. Elakhdar respectfully prays this Honorable Court (i) enter judgment in his favor, and against the Defendant, in the sum of Two Hundred Thousand Dollars and No Cents (\$200,000.00) as and for compensatory damages; (ii) enter judgment in his favor, and against the Defendant, in the sum of Five Hundred Thousand Dollars and No Cents (\$500,000.00) as and for punitive damages; and (iii) afford such other and further relief as may be just and proper.

Count II – Battery

40. Mr. Elakhdar incorporates and realleges each and every foregoing paragraph of this Complaint as though fully set forth herein.

41. The Defendant's agents shoved, pushed, and repeatedly beat Mr. Elakhdar, against his will, in a violent, offensive, wanton and wholly unnecessary manner.

42. The Defendant's agents handcuffed Mr. Elakhdar, without cause or justification, in a violent and offensive manner, and applied said handcuffs in a fashion that injured Mr.

Elakhdar both at the time of application and throughout the cuffs being worn, with harm still being extant from this episode.

43. Mr. Elakhdar is currently receiving medical treatment for his injuries, has incurred liabilities associated with such treatment, and will continue to incur liabilities associated with such treatment.

44. The brutalization of Mr. Elakhdar was correlative to this ethnicity, with the Defendant's own agent identifying Mr. Elakhdar as an "Arab" during the course of violent proceedings.

45. At least one other patron of the Defendant – an African American man – was similarly brutalized by the Defendant on the same night as Mr. Elakhdar.

WHEREFORE, Mr. Elakhdar respectfully prays this Honorable Court (i) enter judgment in his favor, and against the Defendant, in the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) as and for compensatory damages; (ii) enter judgment in his favor, and against the Defendant, in the sum of Five Million Dollars and No Cents (\$5,000,000.00) as and for punitive damages; and (iii) afford such other and further relief as may be just and proper.

Count III – Assault

46. Mr. Elakhdar incorporates and realleges each and every foregoing paragraph of this Complaint as though fully set forth herein.

47. The Defendant shoved, pushed, and repeatedly beat Mr. Elakhdar, against his will, in a violent, offensive, wanton and wholly unnecessary manner.

48. Mr. Elakhdar was cognizant of these actions at all times, apprehended each act of violence at the time of its occurrence and feared for the ramifications of each shove prior to being so shoved.

49. Mr. Elakhdar was reasonable in forming these apprehensions, as the Defendant chose to repeatedly batter Mr. Elakhdar and to target Mr. Elakhdar as a minority.

50. The brutalization of Mr. Elakhdar was correlative to this ethnicity, with the Defendant's own agent identifying Mr. Elakhdar as an "Arab" during the course of violent proceedings.

51. At least one other patron of the Defendant – an African American man – was similarly brutalized by the Defendant on the same night as Mr. Elakhdar.

WHEREFORE, Mr. Elakhdar respectfully prays this Honorable Court (i) enter judgment in his favor, and against the Defendant, in the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) as and for compensatory damages; (ii) enter judgment in his favor, and against the Defendant, in the sum of Five Million Dollars and No Cents (\$5,000,000.00) as and for punitive damages; and (iii) afford such other and further relief as may be just and proper.

Jury Demand

Pursuant to, and in accordance with, the allowances of Federal Rule of Civil Procedure 38, Mr. Elakhdar prays a trial by jury on all matters so triable.

Respectfully submitted,

/s/ Maurice B. VerStandig
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